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October 19, 2017

Philip Spillane, Plant Manager
Lion Copolymer Geismar, LLC
c/o C T Corporation System, Registered Agent
3867 Plaza Tower Dr
Baton Rouge, LA 70816

Lion Copolymer Holdings, LLC
Member, Lion Copolymer Geismar, LLC
36191 Highway 30
Geismar, LA 70734

Lion Copolymer Holdings, LLC
Member, Lion Copolymer Geismar, LLC
c/o The Corporation Trust Company, Registered Agent
Corporation Trust Center, 1209 Orange St
Wilmington, DE 19801

Re: Notice of Intent to File Citizen Suit Under Section 505(b)(1) of the Federal Water Pollution Control Act ("Clean Water Act"), 33 U.S.C. § 1365(b)

Dear Mr. Spillane:

This letter is to give you notice that the Louisiana Environmental Action Network, Inc. ("LEAN") and the Lower Mississippi RIVERKEEPER® intend to sue Lion Copolymer Geismar, LLC ("Lion Copolymer") for chronically polluting the Mississippi River for the past five years, in violation of the terms of the applicable discharge permit issued under the Louisiana Pollution Discharge Elimination System ("LPDES Permit").[1] These violations relate to Lion Copolymer's Geismar facility, located at 36191 Louisiana Highway 30, Geismar, LA 70734, where Lion Copolymer is engaged in the manufacture of synthetic rubber and other industrial organic chemicals. The violations constitute continuing violations of sections 301 and 402 of the federal Clean Water Act, 33 U.S.C. §§ 1311, 1342.

Pursuant to Lion Copolymer's permit, the company may not discharge pollutant-containing wastewater into the Mississippi River unless it complies with the permit's terms. In

[1] Permit No. LA0000752 took effect June 1, 2011, as modified on April 1, 2012 and June 1, 2013. Lion Copolymer has applied for permit renewal but the new permit remains in draft form as of the date of this notice. The terms of the old permit, as modified, remain in effect until finalization of the new permit.

particular, in order to protect public health and the environment, the LPDES Permit contains maximum limits for various constituents, as set by the Louisiana Department of Environmental Quality ("LDEQ"). Moreover, in order to guarantee proper compliance, the permit requires Lion Copolymer to employ best management practices, which necessarily include operating and maintaining the facility in such a way as to promptly remedy any effluent noncompliance, equipment failures, bypasses, or other unauthorized discharges and ensure that the same problems do not recur in the future.

By repeatedly discharging wastewater containing levels of pollutants higher than those allowed by the LPDES Permit, discharging untreated wastewater due to a variety of maintenance problems and rain-related overflows, and failing to use best management practices to promptly remedy these deficiencies, Lion Copolymer has exposed the public and the environment to an unnecessary and unacceptable risk of harm. Lion Copolymer is in violation of the Clean Water Act and must take immediate action to come into compliance.

I. Identity of Complainants

A. Louisiana Environmental Action Network, Inc.

LEAN is a Baton Rouge-based umbrella organization established to promote and protect the health of Louisiana's natural environment for the use and enjoyment of the people of Louisiana. In executing its purpose, LEAN ensures that the laws and regulations of the State, intended to preserve and enhance its natural resources and environmental quality, are diligently followed in letter and in spirit. LEAN has a particular interest in the preservation and restoration of water quality in the rivers and streams of Louisiana, and in protecting its members from exposure to public health risks. In addition, LEAN's interest in water quality flows directly from the personal interests of its members who own property, live, and/or work adjacent to the affected portions of the Mississippi River and New River, and who use those waters that receive the contaminated discharges from Lion Copolymer's Geismar facility for recreation, boating, swimming, and/or aesthetic enjoyment. Water pollution and threats to water quality from Lion Copolymer's Geismar facility and its repeated violation of its permit directly harm these members of LEAN. LEAN can be reached as follows:

Louisiana Environmental Action Network, Inc.
P.O. Box 66323
Baton Rouge, LA 70896
Phone: (225) 928-1315

B. Lower Mississippi RIVERKEEPER®

The Lower Mississippi RIVERKEEPER® ("LMR") works with local communities to address the polluted state of the Mississippi River, which travels through 31 states and drains 2,350 square miles, making it one of the most endangered rivers in the United States. LMR energizes current activists to participate in environmental decisions, and educates the public and government leaders about environmental challenges and economic opportunities regarding the

Mississippi River and how reduced water pollution benefits everyone. As part of its work, LMR monitors water quality, investigates reported pollution-related incidents, and seeks to compel polluters to comply with the Clean Water Act to reduce pollution in the River for the benefit of surrounding communities' health and the health of the environment. LMR is a member of LEAN.

Additionally, LMR is part of the international Waterkeeper Alliance, which provides a way for communities to stand up for their right to clean water and for the wise and equitable use of water resources, both locally and globally. The vision of the Waterkeeper movement is for fishable, swimmable and drinkable waterways worldwide, which the organization seeks to achieve through grassroots advocacy.

Members of LMR own property, live, and/or work adjacent to the affected portions of the Mississippi River and New River, and use those waters that receive the contaminated discharges from Lion Copolymer's Geismar facility for recreation, boating, swimming, and/or aesthetic enjoyment. Water pollution and threats to water quality from Lion Copolymer's Geismar facility and its repeated violation of its permit directly harm these members of LMR. LMR can be reached as follows:

Lower Mississippi RIVERKEEPER®
c/o The Louisiana Environmental Action Network
P.O. Box 66323
Baton Rouge, LA 70896
Phone: 225-928-1315

II. Effect of the Violations on Public Resources

A. The Mississippi River

The LPDES Permit allows Lion Copolymer to discharge limited quantities of pollutants into the Mississippi River, through Outfall 001. As LMR recognizes:

> The Mississippi River Basin is home to 1.5 million people, and over 350 industrial and municipal facilities are located adjacent to the River within the state of Louisiana. Approximately 175 of these facilities discharge wastewater into the river under the authority of state/federal permits, and of these approximately 120 facilities are located between Baton Rouge and New Orleans. Noncompliance with wastewater discharge permits by a large number of facilities along the River is widespread . . . In addition to the industrial pollution[,] when the Mississippi River flows into Louisiana it already contains a variety of chemicals including the herbicide Atrazine, which originates in stormwater runoff from agricultural fields in mid-western states and presents a potential health hazard. This places a particular

burden on the Communities from Ascension Parish to the mouth of the Mississippi River that use surface water as their only source of drinking water.[2]

Thus, any permit violations by Lion Copolymer cannot be viewed in isolation but also have a deleterious cumulative effect on the health of the Mississippi River and neighboring communities. Each violation compounds the preexisting threat to the residents and environment of the lower Mississippi River, which is impaired due to the activities of many industrial and agricultural users.

B. New River – Subsegment 040404

Additionally, all of Lion Copolymer's discharges via Outfall 002 end up in subsegment 040404 of the New River. The State of Louisiana has formally listed this subsegment (from the river's headwaters to the New River Canal) as impaired under Section 303(d) of the Clean Water Act. 33 U.S.C. § 1313(d). Specifically, the designated use of fish and wildlife propagation (fishing) is impaired due to dissolved oxygen, and the designated use of primary contact recreation (swimming) is impaired due to fecal coliform.[3]

III. Legal Overview

Section 301 of the Clean Water Act prohibits the "discharge of any pollutant by any person" without proper authorization, such as in compliance with the terms of a permit issued under Section 402. 33 U.S.C. § 1311(a). Section 402 establishes the National Pollutant Discharge Elimination System, a permitting program regulating the discharge of pollutants by industrial facilities, and provides for the issuance of such permits by individual States. 33 U.S.C. § 1342(h). In Louisiana, the issuance of such permits (known as LPDES permits) has been delegated to the Louisiana Department of Environmental Quality. Part III.A.2 of the LPDES Permit mandates compliance "with all conditions," making "[a]ny permit noncompliance . . . grounds for enforcement action" and a violation of both the Clean Water Act and the Louisiana Environmental Quality Act.

Congress provided for enforcement of the discharge limitations in the Clean Water Act through citizen suits like the present one. Title 33 U.S.C. § 1365 permits a citizen to bring a claim for a violation of any effluent standard or limitation under the Act. Violation of an LPDES permit is a violation of an effluent standard or limitation and is actionable under the citizen suit provision of the Clean Water Act. Please note that month showing a violation of a parameter constitutes a separate violation of that parameter for each day during the month, or until the next valid test result demonstrating compliance is submitted.

IV. Specific Violations

Over the past five years, Lion Copolymer has repeatedly violated multiple provisions of

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[2] http://lmrk.org/the-mississippi-river/

[3] http://deq.louisiana.gov/page/water-quality-integrated-report-305b303d

its LPDES Permit related to (A) effluent limitations, (B) proper operation and maintenance of treatment and control equipment, and (C) storm water management. The violations documented in this notice are based on a review of discharge monitoring reports, permits, and other documents maintained in LDEQ's Electronic Document Management System ("EDMS") and associated with Agency Interest Number 1433.

A. Lion Copolymer has repeatedly violated numerical effluent limitations at Outfalls 001 and 002.

The LPDES Permit requires monitoring of certain parameters associated with Outfall 001 and Outfall 002. The permit describes Outfall 001 as follows:

> the continuous discharge of treated process wastewater and process area stormwater from the Synthetic Rubber Manufacturing Area; treated intermittent plant washdown and hydroblast waters from operations and maintenance activities within the Synthetic Rubber Manufacturing Area; miscellaneous operational and maintenance wastewaters including but not limited to plant washdown water, fire water, and hydroblas water; non-process are stormwater runoff; cooling tower blowdown from the Synthetic Rubber Manufacturing Area and optional routing of cooling tower blowdown from the Chemicals Area; laboratory wastewater including QC Lab; R&D Lab, and EPDM Pilot Plant; leachate from the closed landfill; and groundwater purged from onsite groundwater remediation services.

From Outfall 001, Lion Copolymer pumps its wastewater to the Air Liquide GUS facility, where it joins other industrial waste streams before entering the Mississippi River near Mile 185.

Likewise, Outfall 002 consists of the following:

> the intermittent discharge of non-process area stormwater from the south side of the Trilene Unit and Royalene Warehouse area and from undeveloped areas not associated with industrial activities; intermittent overflow/seeptage from the firewater pond and the warehouse firewater pond; overflow non-process area stormwater from the Celogen AZ Unit holding pond; stormwater and condensate from the Rubicon (Rubicon permitted Outfall 004) and Dynamite Fuels LLC facilities; non-process area and process area secondary containment stormwater from the Chemicals Area; miscellaneous operational and maintenance wastewaters; stormwater from decommissioned process areas; and cooling tower blowdown from the Chemicals Area and optional routing of cooling tower blowdown from the Synthetic Rubber Manufacturing Area.

From Outfall 002, the effluent passes through a series of unnamed tributaries before discharging into the New River.

The permit contains numerical limitations for each monitored constituent associated with Outfalls 001 and 002, including biochemical oxygen demand ("BOD"), chemical oxygen demand ("COD"), Oil & Grease, total organic compounds ("TOC"), and pH. Compliance with numerical standards is essential to avoid actual harm to the environment of the Mississippi River, New River, and surrounding communities.

In particular, BOD "measures the amount of oxygen consumed by microorganisms in decomposing organic matter in stream water," and "the chemical oxidation of inorganic matter (i.e., the extraction of oxygen from water via chemical reaction) . . . The greater the BOD, the more rapidly oxygen is depleted in the [waterbody]. This means less oxygen is available to higher forms of aquatic life. The consequences of high BOD are the same as those for low dissolved oxygen: aquatic organisms become stressed, suffocate, and die."[4] COD evaluates the amount of organic matter in discharged wastewater. Increased COD in excess of the numerical standard can indicate a higher amount of organic matter and a reduction in dissolved oxygen. In turn, decreased levels of dissolved oxygen can lead to fish kills and other harm to aquatic species. In addition, oil and grease may contain toxic chemicals that contaminate the food chain and harm both aquatic life and human health. TOC measurements are further indicative of overall water quality. Moreover, "[e]xtremes in pH can make a river inhospitable to life. Low pH is especially harmful to immature fish and insects. Acidic water also speeds the leaching of heavy metals harmful to fish."[5]

The following chart documents exceedances of effluent standards by Lion Copolymer at Outfalls 001 and 002:

Monitoring Period	**Constituent**	**Standard**	**Result**	**Outfall**
01/01/2017-01/31/2017	BOD	636, daily max	664	001
01/01/2017-01/31/2017	COD	3360, daily max	4622	001
09/01/2015-09/30/2015	Oil & Grease	231, daily max	361	001
07/01/2016-07/31/2016	TOC	50, daily max	52.4	002
12/01/2013-12/31/2013	pH	9, instantaneous max	9.4	002
154	**Total Days in Violation**			

These exceedances are evidence of the following permit violations:

1. Violation of the duty to comply in Part III.A.2 of the LPDES Permit;

2. Failure to "take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment," and to "take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary

[4] https://archive.epa.gov/water/archive/web/html/vms52.html
[5] https://www.grc.nasa.gov/www/k-12/fenlewis/Waterquality.html

to determine the nature and impact of the noncomplying discharge" (LPDES Permit, Part III.B.2, Duty to Mitigate);

3. Failure to "at all times properly operate and maintain all facilities and systems of treatment and control" (LPDES Permit, Part III.B.3.a, Proper Operation and Maintenance); and

4. Failure to ensure "adequate operating staff which is duly qualified" with regard to operation of treatment and control devices (LPDES Permit, Part III.B.3.b, Proper Operation and Maintenance).

B. Lion Copolymer has repeatedly failed to properly operate and maintain equipment in good working order.

Lion Copolymer reported problems related to equipment failure eight times over the past five years, as follows:

Monitoring Period / Date of Incident	**Nature of Problem**	**Quantity**	**Outfall**
9/22/2015	Pump controls disabled due to operator error, causing overflow	8,700 gallons (minus 300 reclaimed)	Outfalls 001 & 002
02/01/2015-02/28/2015	Broken flow meter, requiring use of "[a]lternate flow measures"	N/A	001
01/01/2015-01/31/2015	Broken flow meter, requiring use of "[a]lternate flow measures"	N/A	001
12/4/2014	Failure of electrical switchgear, loss of power and loss of pumps, causing overflow	7,600 gallons of untreated wastewater	Outfalls 001 & 002
10/10/2014	Sewage pump failure, causing overflow	Approx. 3,060 gallons of raw sewage	Outfalls 001 & 002
11/01/2013-11/30/2013	Malfunction of outfall totalizer, requiring facility to estimate flow	N/A	001
6/23/2014	Failure of motor on effluent pump, followed by failure of both pumps due to tripped breaker, causing overflow	2,400 gallons of untreated wastewater	Outfalls 001 & 002
92	**Total Days in Violation**		

As the chart reflects, these unpermitted discharges have been substantial in quantity, with potentially serious consequences. For example, as noted above, the New River (where Outfall 002 eventually discharges) is impaired for fecal coliform. When the sump overflowed in October 2014, approximately 3,060 gallons of raw sewage spilled into drainage ditches connected to Outfall 002, thereby contributing to the New River's impairment for primary contact recreation (swimming).

Lion Copolymer's reports to LDEQ further reflect the failure of backup safeguards that should have been in place to minimize the potential harm from the overflows. When the pumps failed in June 2014, facility personnel stopped the flow of treated process wastewater but failed to stop the flow of cooling tower blowdown. While Lion Copolymer assured LDEQ that it would "update its procedures to ensure that the flow of cooling tower blowdown to the Outfall 001 effluent sump is stopped upon loss of the effluent pumps," the same failure to stop the flow of cooling tower blowdown occurred again following the December 2014 power failure. Moreover, flows of both blowdown **and** wastewater continued after pump controls were disabled in September 2015.

While process area wastewater is normally treated prior to discharge—including to neutralize pH and remove suspended solids—such procedures did not occur during the three bypass events in September 2015, December 2014, and June 2013, exacerbating the harm resulting from these incidents.

Moreover, the three occasions when the flow meter or outfall totalizer was not working impacted the ability of regulators and concerned citizens to obtain an accurate picture of Lion Copolymer's compliance or lack of compliance with the terms of the LPDES Permit.

The repeated equipment failures at the Geismar facility cannot reasonably be characterized as unavoidable but, instead, evidence a pattern or practice of improper operations, inspections, and maintenance, including the following violations:

1. Violation of the duty to comply in Part III.A.2 of the LPDES Permit;

2. Failure to "take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment," and to "take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge" (LPDES Permit, Part III.B.2, Duty to Mitigate);

3. Failure to "at all times properly operate and maintain all facilities and systems of treatment and control" (LPDES Permit, Part III.B.3.a, Proper Operation and Maintenance);

4. Failure to ensure "adequate operating staff which is duly qualified" with regard to operation of treatment and control devices (LPDES Permit, Part III.B.3.b, Proper Operation and Maintenance);

5. Improper bypasses of treatment and control devices, where such bypasses could have been avoided through proper maintenance and/or feasible alternatives and were not "unavoidable to prevent a loss of life, personal injury, or severe property damage" (LPDES Permit, Part III.B.4.d(1));

6. Failure to comply with permit requirements related to flow measurements, including use of "devices and methods consistent with accepted scientific practices . . . to ensure the accuracy and reliability of measurements of the volume of monitored discharges," and proper installation, calibration, and maintenance of such devices (LPDES Permit, Part III.C.6);

7. Failure to report monitoring results "at the intervals and in the form specified in Part I . . . of this permit" (LPDES Permit, Part III.D.4); and

8. Discharging an unpermitted pollutant in violation of Part II.A of the LPDES Permit, which "does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit."

C. Lion Copolymer has consistently failed to remedy known vulnerabilities exposed by reasonably foreseeable rain events.[6]

Due to rain-related overflows, Lion Copolymer bypassed proper treatment controls 11 times in a 5-year period, including by discharging untreated process wastewater through Outfall 002 ten times in little over a three-year period, as follows:

Date	**Nature of Incident**
8/11/2016-8/13/2016	Overflow of process area wastewater system, resulting in bypass of Outfall 001 with untreated wastewater discharging to storm water ditches and then Outfall 002
6/4/2016	Same
5/1/2016	Same
11/17/2015-11/18/2015	Same
10/25/2015	Same
5/18/2015	Same
4/14/2015	Same
6/10/2014	Same

[6] While this notice covers only the preceding five years, LDEQ's records reflect a much longer history of overflows at the Geismar facility.

5/27/2014-5/28/2014	Same
5/9/2014	Same
14	**Total Days in Violation**

As with the overflows caused by equipment and maintenance failures, the rain-related overflows likely[7] involved substantial quantities of untreated wastewater with potentially serious consequences to human health and the environment. Indeed, Lion Copolymer admitted following the May 2014 incident that the untreated wastewater caused a low (acidic) pH in the drainage ditches. Lion Copolymer has attempted to downplay the harm in correspondence to LDEQ by asserting that rainfall diluted the untreated wastewater prior to discharge, but dilution is not an acceptable substitute for treatment.

Moreover, Lion Copolymer willfully and routinely failed to implement backup safeguards that should have been in place to minimize the potential harm from the overflows. In particular, on numerous occasions Lion Copolymer acknowledged the presence of in-line storage controls in the form of a dam capable of being closed to prevent releases of contaminated storm water. Nonetheless, Lion Copolymer consistently allowed the releases and refused to utilize the dam mechanism, claiming to be afraid of potential flooding of its facility.

Rather than taking prompt action to modify its systems to prevent future storm-water overflows, Lion Copolymer has given LDEQ a string of excuses, including:

- Claiming twice in May 2014 that "[o]ptions for preventing the commingling of process area wastewater and storm water with non-process area storm water will be evaluated," and that recommendations "will be reviewed and implemented as appropriate" (with no explanation of the failure to evaluate such measures after earlier incidents);

- Asserting in June 2014 that such options "are being evaluated";

- Attempting to justify its noncompliance in April 2015 and May 2015 based on a claim that it had "commenced" an "evaluation of options to prevent commingling of process area wastewater and storm water with non-process area storm water" in 2014 and "allocated funds in 2015" for "the **required** engineering and design modifications" (emphasis added);

- Repeating in October 2015 and November 2015 that it was "conducting an engineering evaluation of options" but admitting that such options were "still in development" and would not even "be evaluated . . . for capital spending" until 2016; and

[7] Lion Copolymer failed to calculate the quantities of untreated wastewater discharged during each and every one of these rain events.

- Attempting to downplay its May 2016 violation by claiming that it had cleaned "the wastewater lines to optimize pumping capacity earlier this year" (obviously ineffective), "obtained temporary pumps and hoses to employ as needed, and utilize[d] a regular program of maintenance and repairs" (also ineffective), and funded "Phase I design" of an engineering solution for 2016, to include "additional conveyance systems to transport wastewater to the facility treatment system." Lion Copolymer also noted that it had requested a permit modification "to discharge post-first flush of contact storm water to the 002 Outfall in assist in reducing the total volume of wastewater entering the conveyance system."

While Lion Copolymer has not reported a rain-related overflow since May 2016, there remains an imminent likelihood of future occurrences in light of the climate of South Louisiana and as long as engineering solutions necessary for long-term success remain in the design phase. Such conduct demonstrates the following LPDES Permit violations:

1. Violation of the duty to comply in Part III.A.2 of the LPDES Permit;

2. Failure to "take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment," and to "take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge" (LPDES Permit, Part III.B.2, Duty to Mitigate);

3. Failure to "at all times properly operate and maintain all facilities and systems of treatment and control" (LPDES Permit, Part III.B.3.a, Proper Operation and Maintenance);

4. Failure to ensure "adequate operating staff which is duly qualified" with regard to operation of treatment and control devices (LPDES Permit, Part III.B.3.b, Proper Operation and Maintenance);

5. Improper bypasses of treatment and control devices, where such bypasses could have been avoided through proper maintenance and/or feasible alternatives and were not "unavoidable to prevent a loss of life, personal injury, or severe property damage" (LPDES Permit, Part III.B.4.d(1));

6. Noncompliance with the terms of Lion Copolymer's Storm Water Pollution Prevention Plan ("Pollution Prevention Plan"), which is "an enforceable Part of the permit" (LPDES Permit, Part II.K.3);

7. Failure to identify all "potential sources of pollution that would reasonably be expected to affect the quality of stormwater" in the Pollution Prevention Plan, and

to establish and implement effective "practices that will be used to prevent or reduce the pollutants in stormwater discharges" (LPDES Permit, Part II.K.1);

8. Failure to conduct a proper annual review, as mandated by the Pollution Prevention Plan, of areas contributing to storm water discharges, and an evaluation of "whether measures to reduce pollutant loadings . . . are adequate and have been properly implemented . . . or whether additional control measures are needed," and failure to implement additional necessary controls (LPDES Permit, Part II.K.4.a);

9. Failure to "utilize all reasonable methods to minimize any adverse impact on the drainage system" (LPDES Permit, Part II.K.5.a);

10. Failure to ensure that "[a]ll drains from diked areas shall be equipped with valves which shall be kept in the closed condition except during periods of supervised discharge" (LPDES Permit, Part II.K.5.f);

11. Failure to inspect and maintain "[a]ll check valves, tanks, drains, or other potential sources of pollutant releases . . . on a regular basis to assure their proper operation and to prevent the discharge of pollutants" (LPDES Permit, Part II.K.5.g);

12. Failure to maintain "[a]ll equipment, parts . . . or other materials exposed to stormwater . . . in a manner which prevents contamination of stormwater by pollutants" (LPDES Permit, Part II.K.5.c); and

13. Failure to modify and incorporate revisions where the Pollution Prevention Plan has proven "ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state" (LPDES Permit, Part II.K.5.j).

Preventing rain-related overflows is within the reasonable control of Lion Copolymer by remedying operational errors and careless or improper operation, engaging in preventative maintenance, and modifying structural controls to ensure adequate and properly designed treatment facilities. Failure to implement such changes has provided an economic benefit to the company while the environment and surrounding communities have suffered. Lion Copolymer must take immediate action to implement the admittedly "required" engineering modifications that it has willfully dodged for years.

V. Remedies

In accordance with Section 505(b) of the Act, 33 U.S.C. § 1365(b), LEAN and LMR hereby give formal notice of their intent to file suit against Lion Copolymer in federal court, after the expiration of 60 days from the date of this notice. Copies of this notice are being provided to the State of Louisiana, through its Department of Environmental Quality, the U.S. Department of

Justice, and the United States Environmental Protection Agency.

Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), and the regulation allowing for the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Act subjects Lion Copolymer to a penalty of up to $32,500 per day per violation for all violations occurring up to December 6, 2013, up to $37,500 per day per violation for all violations occurring after December 6, 2013 through November 2, 2015, and up to $52,414 for violations occurring after November 2, 2015. This means that the maximum potential penalty for the 260 days of numerical standard and reporting violations alone exceeds $11,000,000.

In addition to civil penalties, LEAN and LMR will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) of the Act, 33 U.S.C. §1365(a), and requiring Lion Copolymer to remediate any damage to the Mississippi River. Finally, LEAN and LMR will seek to recover costs and fees associated with this action, including attorneys' fees, as allowed for prevailing parties under Section 505(d) of the Act, 33 U.S.C. § 1365(d).

VI. Conclusion

LEAN and LMR hope Lion Copolymer will take prompt action to remedy the violations identified in this notice letter, and will meet with Lion Copolymer to further discuss methods of compliance and answer any questions Lion Copolymer may have. Please direct all correspondence to the undersigned counsel, via the address and telephone number below.

Sincerely,

Robert Wiygul
1011 Iberville Dr.
Ocean Springs, MS 39564
Phone: (228) 872-1125

cc: **Certified Mail & Return Receipt Requested**
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